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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.1481 of 2007

Shri Vijay Dnyaneshwar Jadhav ..Petitioner

Vs.

The State of Maharashtara & Ors...Respondents

Mr. M.S.Karnik,for the petitioner
Mr.S.R. Nargolkar, AGP for Respondents

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.
DATED : 13TH MARCH, 2007.

P.C.

. The petitioenr who was a bidder at an auction for sale of sand bed has challenged the awarding of bid. In terms of the reply filed by the respondents the bid for Kotamgaon sand beds have been awarded in the sum of Rs.3,21,786/-. The petitioner who was bidder had become fourth in a sum of Rs.2,15,000/- in the open auction and Rs.1,01,000/- in the tender.

2. The contention of the petitioner is that the survey of the amount of sand which could be extracted was not done in terms of the Rules in force. Under these circumstances it is submitted that it was not possible for any bidder to know the exact amount of sand so as to bid fairly. The respondents have denied the same and have contended that in fact survey was carried out. In our opinion once the survey is carried out whether it was done in the particular month or not by itself cannot result in defeating the survey

carried out. Even otherwise the petitioner having participated in the bid and inspection of the sand beds given to him before bidding and atleast after having his bid rejected cannot now contend before this Court that the bid awarded to the highest bidder should be rejected. It is true that the petition was filed before the auction was held. At any rate we find from the record that the tender has been awarded in favour of the highest bidder at Rs.3,21,786/-. In the light of that no interference is called for. Hence petition rejected.

(**F.I.REBELLO**, J)

(**R.M.SAVANT,J**.)